

1 Dan Stormer, Esq. [S.B. # 101967]
Brian Olney, Esq. [S.B. #298089]
2 HADSELL STORMER RENICK & DAI LLP
128 N. Fair Oaks Avenue
3 Pasadena, California 91103
Telephone: (626) 585-9600
4 Facsimile: (626) 577-7079
Emails: dstormer@hadsellstormer.com
5 bolney@hadsellstormer.com

6 Attorneys for Plaintiffs
7 GABRIELA KOUTANTOS and BARBARA KAPPOS
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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 GABRIELA KOUTANTOS and
14 BARBARA KAPPOS,

15 Plaintiff,

16 v.

17 COUNTY OF LOS ANGELES; and
18 DOES 1- 10.

19 Defendants.
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Case No.:

COMPLAINT FOR DAMAGES:

1. 42 U.S.C. § 1983, 4th and 14th
Amendments: Unreasonable Seizure
2. 42 U.S.C. § 1983, 4th and 14th
Amendments: Unreasonable Search
3. 42 U.S.C. § 1983, 4th and 14th
Amendments: Excessive Force
4. 42 U.S.C. § 1983, 4th and 14th
Amendments: Failure to Intervene
5. Bane Act, Civil Code § 52.1
6. Assault
7. Battery By Police Officer
8. Intentional Infliction of Emotional
Distress
9. Negligence

[DEMAND FOR JURY TRIAL]

I. INTRODUCTION

1. On September 25, 2022, deputies with the Los Angeles County Sheriff's Department (LASD) pulled over Gabriela Koutantos in the erroneous belief that the rented U-Haul truck Ms. Koutantos was driving might be stolen. The U-Haul van was lawfully rented in Ms. Koutantos's name and she complied with all police orders, never presented any threat, and had committed no crime. Despite all this, the deputies surrounded Ms. Koutantos, held her at gunpoint, ordered her onto her knees, handcuffed her, and detained her. Ms. Koutantos's mother, Barbara Kappos, was present and witnessed the incident.

2. The deputies acted pursuant to LASD's policy of using so-called "high-risk" traffic stops—the same tactics LASD uses to detain individuals wanted for murder and other violent crimes—to detain motorists suspected only of stealing a vehicle, a property crime that is not high risk. LASD's policy is contrary to the standards and training of the Commission on Police Officer Standards and Training, which sets standards and training for California law enforcement, and is unconstitutional under Ninth Circuit law.

3. Only after detaining Ms. Koutantos for a significant period of time did the deputies finally tell her that they had pulled her over believing that her vehicle was stolen but confirmed that it was not. The deputies could have quickly learned the same information by simply asking Mr. Koutantos a few questions and without subjecting her to these terrifying and traumatizing tactics.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a) because Plaintiffs assert claims arising under the laws of the United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States Constitution. Plaintiffs' state-law claims form part of the same case and controversy and are within the supplemental jurisdiction of the Court pursuant to 28 U.S.C. § 1367.

5. Venue is proper in the United States District Court of the Central District

1 of California pursuant to 28 U.S.C. § 1391(b)(1) as the Central District is “a judicial
2 district in which any defendant resides” and “all defendants are residents of the State in
3 which the district is located.” Venue is also proper pursuant to 28 U.S.C. § 1391(b)(2),
4 as the Central District is “a judicial district in which a substantial part of the events or
5 omissions giving rise to the claim occurred[.]”

6 **III. PARTIES**

7 6. Plaintiff Gabriela Koutantos resides in Monrovia, California. Ms.
8 Koutantos was driving a rented U-Haul 9’ cargo van with Arizona license plate No.
9 AL06067 on September 25, 2022, on Atlantic Boulevard near Hubbard Street when
10 LASD deputies pulled her over and conducted a “high-risk” stop in which they drew
11 their weapons, held her at gunpoint, forced her onto her knees in the middle of the
12 street, handcuffed her, searched her person and vehicle, and held her in a lengthy
13 detention in a police car.

14 7. Plaintiff Barbara Kappos resides in Arcadia, California. Ms. Kappos is
15 Ms. Koutantos’s mother. On September 25, 2022, Ms. Kappos was accompanying her
16 daughter in Ms. Kappos’s own vehicle while Ms. Koutantos drove the rented U-Haul
17 cargo van to return it to U-Haul. Ms. Kappos saw LASD deputies pull her daughter
18 over, hold her at gunpoint, force her onto the ground, violently handcuff her, and detain
19 her in a police car.

20 8. Defendant County of Los Angeles (“the County”) was and is a legal
21 political entity established under the laws of the State of California, with all the powers
22 specified and necessarily implied by the Constitution and laws of the State of California
23 and exercised by a duly elected County Board of Supervisors and/or their agents and
24 officers. The County is responsible for the actions, inactions, policies, procedures,
25 practices, and customs of the LASD and its agents and employees. At all relevant times,
26 the County was and continues to be responsible for assuring that the actions of the
27 LASD and its agents and employees comply with the Constitutions of the State of
28 California and of the United States and any other applicable laws and regulations.

1 9. Many LASD deputies were involved in the incident. Plaintiffs are
2 currently unaware of their identities except for Deputy Santalin,¹ whose specific role in
3 the incident it currently unknown to Plaintiffs. Defendant Deputy DOES 1-10 are
4 employees of the LASD who were present for and participated in the incident. Among
5 other things, Defendant Deputy DOES participated in the high-risk stop of Ms.
6 Koutantos and her *de facto* arrest without probable cause, held Ms. Koutantos at
7 gunpoint, ordered her onto her knees in the middle of the street, violently handcuffed
8 her, detained her, searched her person and vehicle without consent, and/or stood guard
9 with the other Deputy Defendants while they committed these acts.

10 10. Defendant Deputy DOES 1-10 (collectively the “Deputy Defendants”)
11 engaged in the acts or omissions alleged herein under color of state law and within the
12 course and scope of their duties as Officers of the LAPD. The Deputy Defendants were
13 acting with the complete authority and ratification of their principal, Defendant County
14 of Los Angeles.

15 11. Plaintiffs are informed and believe and thereon allege that at all times
16 relevant herein, Defendants and each of them were the agents, employees, servants,
17 joint venturers, partners, and/or co-conspirators of the other Defendants named in this
18 Complaint and that at all times, each of the Defendants was acting within the course and
19 scope of said relationship with Defendants.

20 12. All of the acts and omissions complained of herein by Plaintiffs against
21 Defendants were done and performed by said Defendants by and through their
22 authorized agents, servants and/or employees, all of whom at all relevant times herein
23 were acting within the course, purpose, and scope of said agency, service, and/or
24 employment capacity. Plaintiffs allege that to the extent certain acts and omissions
25 were perpetrated by certain Defendants, the remaining Defendant or Defendants
26 confirmed and ratified said acts and omissions.

27 _____
28 ¹ Deputy Santalin did not provide a business card and Plaintiffs are not certain of the
correct spelling of his name.

1 13. Plaintiffs are informed and believe and thereupon allege, that at all times
2 material herein, each Defendant was dominated and controlled by his/her co-Defendant
3 and each was the alter-ego of the other.

4 14. Whenever and wherever reference is made in this complaint to any act or
5 failure to act by a Defendant or Defendants, such allegations and references shall also
6 be deemed to mean the acts and failures to act of each Defendant acting individually,
7 jointly and severally.

8 **IV. ADMINISITRATIVE PEREQUISITES**

9 15. Plaintiffs Gabriela Koutantos and Barbara Kappos exhausted their
10 administrative remedies by filing governmental tort claims with the County of Los
11 Angeles on March 20, 2023. By correspondence dated June 2, 2023, the County
12 rejected each Plaintiff's governmental tort claim.

13 **V. FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

14 16. On September 25, 2023, Ms. Koutantos and Ms. Kappos rented a 9-foot U-
15 Haul Cargo Van from U-Haul Moving & Storage of Pasadena at 552 South Raymond
16 Avenue, Pasadena, California 91105, with Arizona license plate AL06067. Plaintiffs
17 then used the U-Haul to pick up some donations for the East Los Angeles Women's
18 Center, where Ms. Kappos serves as the Executive Director, and deliver them to the
19 Women's Center.

20 17. After dropping off the donations at the Women's Center, Plaintiffs began
21 driving back to the U-Haul store to return the van at approximately 2:00 P.M. Ms.
22 Kappos drove her personal vehicle and Ms. Koutantos followed her in the U-Haul van.
23 Plaintiffs exited the Women's Center parking lot and briefly pulled over on Atlantic
24 Boulevard to wait for a coworker to lock up the front gate. Ms. Koutantos noticed a
25 public safety vehicle make a U-turn and drive by a few times.

26 18. Plaintiffs began driving back to the U-Haul store. The public safety
27 vehicle appeared to follow them.

28 19. As Plaintiffs neared the intersection of Atlantic Boulevard and Hubbard

1 Street, they heard sirens and saw multiple LASD vehicles with their lights on speeding
2 down Atlantic Boulevard in the opposite direction. The LASD vehicles made U-turns.
3 Ms. Koutantos pulled over to allow the deputies to pass. The deputies deactivated their
4 lights. Ms. Koutantos then resumed driving, at which point the deputies reactivated
5 their lights and pulled Ms. Koutantos over.

6 20. LASD deputies performed a “high-risk” traffic stop on Ms. Koutantos.
7 They drew their weapons, pointed them at Ms. Koutantos, and ordered her to exit the U-
8 Haul van. The Deputies continued pointing their guns at Mr. Koutantos, ordered her
9 onto her knees in the middle of the street, and violently handcuffed her.

10 21. Meanwhile, Ms. Kappos had lost sight of her daughter’s U-Haul after Ms.
11 Koutantos pulled over to allow the deputies to pass. Ms. Kappos pulled over to the side
12 of the road, looked in her rearview mirror, and saw that Ms. Koutantos’s van was pulled
13 over to the side of the road. To her horror, Ms. Kappos then saw her daughter on the
14 ground with deputies pointing their guns at her. Ms. Kappos got out of her car and ran
15 up the street toward her daughter shouting, “What are you doing? That’s my daughter!”
16 None of the deputies responded as they continued pointing their weapons at Ms.
17 Koutantos. Ms. Kappos thought the deputies might kill her daughter.

18 22. The deputies searched Ms. Koutantos, lifted her shirt, lifted and shook her
19 bra, and searched her pockets; searched the U-Haul; and forced Ms. Koutantos into the
20 back of a police car—all while Ms. Kappos and dozens of spectators watched and many
21 spectators recorded videos. Ms. Koutantos told the deputies that her handcuffs were too
22 tight and were causing her pain, but the deputies refused to adjust them. Ms. Koutantos
23 was forced to remain in the unventilated LASD patrol car in handcuffs with no air
24 conditioning for approximately 45 minutes to one hour. Her left hand became numb
25 from the handcuffs.

26 23. Ms. Kappos continued yelling, “That’s my daughter! What are you doing?”
27 from across the street. One deputy approached her, identified himself as Deputy
28 Santalin, and told Ms. Kappos that the U-Haul had been reported stolen. Ms. Kappos

1 showed Deputy Santalin the U-Haul rental agreement on her phone. Deputy Santalin
2 stated that the U-Haul van had been reported as stolen and that the deputies were just
3 following LASD policy.

4 24. Ms. Kappos and Deputy Santalin went inside U-Haul of East Los Angeles
5 that was across the street from where Mr. Koutantos was detained and spoke with U-
6 Haul employees who confirmed that the van was lawfully rented to Plaintiffs. The
7 deputies refused to release Ms. Koutantos, however, and continued to detain her
8 handcuffed in a police car for a considerable period of time.

9 25. U-Haul representatives eventually informed the LASD deputies that the
10 van had been reported stolen approximately one month earlier and then recovered
11 approximately one week later.

12 26. After a considerable period of time, the LASD Deputies finally released
13 Ms. Koutantos. Ms. Koutantos and Ms. Kappos hugged. They each began to cry.

14 27. The handcuffs left deep indentations and bruising on Ms. Koutantos's
15 wrists.

16 28. Several days following the traffic-stop, Ms. Kappos spoke with Lieutenant
17 Taylor, the Watch Commander at the East Los Angeles Sheriff's Station at 5019 E.
18 Third St., East Los Angeles, California 90022. Lieutenant Taylor told Ms. Kappos that
19 he had given the order for the deputies to conduct the high-risk traffic stop because
20 LASD policy is to perform high-risk traffic stops in response to suspected stolen
21 vehicles.

22 29. No one from the LASD has ever apologized to Plaintiffs for the incident.

23 30. The California Law Enforcement Telecommunications System ("CLETS")
24 is a statewide computer network used by law enforcement to search vehicle records,
25 among other databases. On information and belief, the Deputy Defendants conducted
26 the high-risk traffic stop based on information they received from CLETS indicating
27 that the U-Haul van Ms. Koutantos was driving was suspected of being stolen. Without
28 any further reasonable suspicion beyond this information from CLETS, and without any

1 probable cause to believe that Ms. Koutantos was involved in any criminal activity, let
2 alone criminal activity posing any high risk of danger, the Deputy Defendants
3 conducted a highly aggressive and terrifying “high-risk” traffic stop.

4 31. The Fourth Amendment to the United States Constitution prohibits
5 unreasonable seizures. U.S. Const. amend. IV; *Washington v. Lambert*, 98 F.3d 1181,
6 1186 (9th Cir. 1996). Article I, § 13 of the California Constitution provides a similar
7 prohibition. Cal. Const. Art. I, § 13; *see People v. Perry*, 36 Cal. App. 5th 444, 466
8 (2019).

9 32. “Under settled Fourth Amendment law, a traffic stop constitutes a seizure,
10 and an officer must have reasonable suspicion before detaining a motorist.” *Bingham v.*
11 *City of Manhattan Beach*, 341 F.3d 939, 946 (9th Cir. 2003). To lawfully arrest a
12 motorist, however, an officer must have probable cause. *Green v. City & County of San*
13 *Francisco*, 751 F.3d 1039, 1049 (9th Cir. 2014).

14 33. Under Ninth Circuit law, “high-risk” vehicle stops in which multiple
15 officers hold a person at gunpoint, force the person down onto their knees, and handcuff
16 the person constitute a *de facto* arrest requiring probable cause. *See id.* at 1047.

17 34. Ninth Circuit law thus limits the use of such “high risk” detentions only to
18 “special circumstances” “1) where the suspect is uncooperative or takes action at the
19 scene that raises a reasonable possibility of danger or flight; 2) where the police have
20 information that the suspect is currently armed; 3) where the stop closely follows a
21 violent crime; and 4) where the police have information that a crime that may involve
22 violence is about to occur.” *Id.* None of these special circumstances was present here.

23 35. Police officers in California use CLETS to determine whether a particular
24 vehicle may be stolen. Police officers in Los Angeles and throughout California have
25 been expressly warned that information in CLETS identifying a vehicle as potentially
26 stolen is not sufficient to establish probable cause:

27 Information obtained from CLETS can be used by peace officers to establish or
28 reinforce the *reasonable suspicion* necessary to *lawfully detain a suspect*.
Because the information may be unreliable or unsubstantiated, however, *it is not*

1 *sufficient alone* for establishing the probable cause necessary for law
2 enforcement actions such as conducting a search, seizing property, or placing an
3 individual under arrest.

4 California Commission on Peace Officer Standards and Training (POST), Learning
5 Domain 36 (Information Systems), Version 3.6, at 1-9 (emphasis in original). For this
6 reason, California Department of Justice regulations *require* that officers “obtain
7 confirmation before an arrest or the confiscation of the property in response to the
8 computer match.” *Id.* Officers are also trained that “[t]he use of unreliable or
9 unsubstantiated information by an officer when establishing probable cause could lead
10 to unlawful searches or seizures as well as incidents of false arrest.” *Id.*

11 36. The Deputy Defendants’ highly aggressive tactics were pursuant to the
12 LASD’s policy and training to use such so-called “high-risk” or “felony” traffic stop
13 tactics based only upon suspicion of a stolen vehicle.

14 37. The LASD’s high-risk traffic stop policy violates the Fourth Amendment
15 and Article I, § 13 of the California Constitution. The Deputy Defendants, acting
16 pursuant to LASD policy and training, performed a high-risk stop on Ms. Koutantos
17 based only on unverified and unconfirmed information in CLETS indicating that Ms.
18 Koutantos’s vehicle might be stolen. Without verifying or confirming whether this
19 report was correct, many Deputies surrounded Ms. Koutantos and used the “especially
20 intrusive” tactics of drawing and pointing firearms, forcing Ms. Koutantos onto her
21 knees in the middle of the street, aggressively handcuffing her, and detaining her in the
22 back of a police car for a long period of time even though none of the “special
23 circumstances” required to justify such aggressive tactics were present.

24 38. Plaintiffs have been completely traumatized by LASD’s use of aggressive
25 and life-threatening high-risk tactics on Ms. Koutantos.

26 39. Plaintiffs bring this action for damages against Defendants for general,
27 compensatory, and statutory damages, costs and attorneys’ fees based on Defendants’
28 unlawful and egregious conduct, as alleged herein. Plaintiffs also seek declaratory and
injunctive relief enjoining the LASD’s policy requiring, or in the alternative

1 authorizing, “high-risk” stops prohibited by Ninth Circuit law. Additionally, Plaintiffs
 2 seek punitive damages against the individual Defendants.

3 **CAUSES OF ACTION**

4 **FIRST CLAIM FOR RELIEF**

5 **42 U.S.C. § 1983**

6 **Fourth and Fourteenth Amendments: Unreasonable Seizure**

7 **(By Plaintiff Koutantos Against All Defendants)**

8 40. Ms. Koutantos alleges and incorporates by reference each and every
 9 allegation contained in the foregoing paragraphs as though fully set forth herein.

10 41. All of the acts of Deputy Defendants DOES 1-10 were done under color of
 11 state law.

12 42. The acts of the Deputy Defendants deprived Ms. Koutantos of rights,
 13 privileges, and immunities secured by the Constitution of the United States, including
 14 but not limited to her rights under the Fourth Amendment of the United States
 15 Constitution, incorporated and made applicable to the states and their local governments
 16 by the Fourteenth Amendment by, among other things, unlawfully seizing her by
 17 conducting a high risk traffic stop and a *de facto* arrest of her without any lawful basis,
 18 probable cause, warrant, or any exception thereto, and unreasonably prolonging her
 19 detention even after the Deputies knew or reasonably should have known that she had
 20 not stolen the U-Haul or committed any other crime.

21 43. Each of the Deputy Defendants was both personally involved and an
 22 integral participant in the violation of Plaintiff Koutantos’s constitutional rights. Each
 23 Deputy was aware of the unlawful actions of the other Deputies as they planned to and
 24 did conduct a “high-risk” stop of Plaintiff Koutantos without reasonable suspicion or
 25 probable cause and based only on unverified and unconfirmed information from CLETS
 26 indicating that Plaintiff’s vehicle might be stolen. Without any probable cause to
 27 believe that Ms. Koutantos was involved in any criminal activity, let alone criminal
 28 activity posing any high risk of danger, the Deputy Defendants performed a *de facto*

1 arrest of Ms. Koutantos, held her at gunpoint, ordered her onto her knees, violently
2 handcuffed her, detained her, and/or stood guard while the other Deputy Defendants
3 committed these acts. None of the involved Deputies objected to these violations of
4 Plaintiff Koutantos's rights, and each Deputy participated in the violation by
5 performing police functions, including meaningful participation in the unlawful seizure
6 and *de facto* arrest of Plaintiff and the use of unreasonable force against her.

7 44. As a direct and proximate result of the aforementioned acts of the Deputy
8 Defendants, Plaintiff Koutantos sustained and incurred damages including pain,
9 suffering, and emotional injury.

10 45. In doing the foregoing wrongful acts, Defendants, and each of them, acted
11 in reckless and callous disregard for Plaintiff Koutantos's constitutional rights. The
12 wrongful acts, and each of them, were willful, oppressive, fraudulent, and malicious,
13 thus warranting the award of punitive damages against each individual Deputy
14 Defendant in their individual capacities (but not against the entity Defendant) in an
15 amount adequate to punish the wrongdoers and deter future misconduct.

16 46. The Deputy Defendants and any other involved Deputies acted pursuant to
17 expressly adopted official policies or longstanding practices or customs of the County
18 of Los Angeles. These include policies and longstanding practices and/or customs
19 requiring and/or permitting officers to carry out "high-risk" stops, including but not
20 limited to utilizing large numbers of police cars and officers; drawing their weapons and
21 pointing firearms at people; forcing people onto their knees and/or proning them out;
22 handcuffing them; detaining them for unreasonable lengths of time, all in situations that
23 are not high risk and based only upon reasonable suspicion of property crimes such as
24 suspected stolen vehicles and without regard to Ninth Circuit law.

25 47. The training policies of the County of Los Angeles were not adequate to
26 train, supervise, and control its Deputies to handle the usual and recurring situations
27 with which they must deal, including but not limited to performing (1) high risk traffic
28 stops of vehicles suspected of being stolen based only upon unconfirmed CLETS data

1 and (2) *de facto* arrests of motorists based only upon same. The County of Los Angeles
 2 knew that its failure to adequately train its Deputies for such situations made it highly
 3 predictable that its Deputies would engage in conduct that would deprive persons such
 4 as Ms. Koutantos of his rights. The County of Los Angeles was thus deliberately
 5 indifferent to the obvious consequences of its failure to train its Deputies adequately.

6 48. Defendant County of Los Angeles's official policies and/or longstanding
 7 practices or customs, including but not limited to its training policies, caused the
 8 deprivation of the constitutional rights of Ms. Koutantos by Deputy Defendants DOES
 9 1-10, and the other involved Deputies; that is, the County of Los Angeles's official
 10 policies and/or longstanding practices or customs are so closely related to the
 11 deprivation of Plaintiff Koutantos's rights as to be the moving force that caused her
 12 injuries. These policies, longstanding practices, and/or customs include performing
 13 high-risk traffic stops of vehicles suspected of being stolen.

14 49. Then-LASD Sheriff Alex Villanueva, a final policymaker for the County
 15 of Los Angeles, ratified the actions and omissions of the Defendant Deputies and the
 16 other involved officers in that he had knowledge of and made a deliberate choice to
 17 approve their unlawful acts and omissions. Upon information and belief, the County
 18 took no action in response to Plaintiff Koutantos's allegations and none of the involved
 19 Deputies has been disciplined.

20 **SECOND CLAIM FOR RELIEF**

21 **42 U.S.C. § 1983**

22 **Fourth and Fourteenth Amendments: Unreasonable Search**

23 **(By Plaintiff Koutantos Against All Defendants)**

24 50. Ms. Koutantos realleges and incorporates by reference each and every
 25 allegation contained in the foregoing paragraphs as though fully set forth herein.

26 51. All of the acts of Deputy Defendants DOES 1-10 were done under color of
 27 state law.

28 52. The acts of the Deputy Defendants deprived Ms. Koutantos of rights,

1 privileges, and immunities secured by the Constitution and laws of the United States,
2 including but not limited to her rights under the Fourth Amendment of the United States
3 Constitution, incorporated and made applicable to the states and their local governments
4 by the Fourteenth Amendment, by, among other things, searching Ms. Koutantos's
5 person and vehicle without a warrant, exigency, emergency, probable cause, or
6 Plaintiff's consent. In the alternative, if any consent was given, it was coerced and
7 involuntary.

8 53. Each of the Deputy Defendants was both personally involved and an
9 integral participant in the violation of Ms. Koutantos's constitutional rights. Each
10 Deputy was aware of the unlawful actions of the other Deputies as they planned to
11 search and did search Ms. Koutantos's person and vehicle; did not object to these
12 violations of Ms. Koutantos's rights; and participated in the violations by performing
13 police functions, including meaningful participation in the unlawful traffic stop, *de*
14 *facto* arrest, search, and use of unreasonable force against Plaintiff Koutantos.

15 54. As a direct and proximate result of the aforementioned acts of the Deputy
16 Defendants, Plaintiff Koutantos sustained and incurred damages including emotional
17 injury.

18 55. In doing the foregoing wrongful acts, Defendants, and each of them, acted
19 in reckless and callous disregard for Plaintiff Koutantos's constitutional rights. The
20 wrongful acts, and each of them, were willful, oppressive, fraudulent, and malicious,
21 thus warranting the award of punitive damages against each individual Deputy
22 Defendant in their individual capacities (but not against the entity Defendant) in an
23 amount adequate to punish the wrongdoers and deter future misconduct.

24 56. The Deputy Defendants and any other involved deputies acted pursuant to
25 expressly adopted official policies or longstanding practices or customs of the County
26 of Los Angeles. These include policies and longstanding practices and/or customs
27 requiring and/or permitting deputies to carry out "high-risk" stops, including but not
28 limited to utilizing large numbers of police cars and officers, drawing their weapons and

1 pointing firearms at people, forcing people onto their knees, handcuffing them,
2 detaining them at length, and searching their persons and vehicles, all in situations that
3 are not high risk and based only upon reasonable suspicion of property crimes such as
4 suspected stolen vehicles and without regard to Ninth Circuit law.

5 57. The training policies of the County of Los Angeles were not adequate to
6 train, supervise, and control its Deputies to handle the usual and recurring situations
7 with which they must deal, including but not limited to performing high risk traffic
8 stops of vehicles suspected of being stolen based only upon unconfirmed CLETS data
9 and searching the person and vehicle based only upon same. The County of Los
10 Angeles knew that its failure to adequately train its Deputies for such situations made it
11 highly predictable that its Deputies would engage in conduct that would deprive persons
12 such as Plaintiff Koutantos of her rights. The County of Los Angeles was thus
13 deliberately indifferent to the obvious consequences of its failure to train its Deputies
14 adequately.

15 58. Defendant County of Los Angeles's official policies and/or longstanding
16 practices or customs, including but not limited to its training policies, caused the
17 deprivation of the constitutional rights of Plaintiff Koutantos by the Deputy Defendants
18 and the other involved Deputies; that is, the County of Los Angeles's official policies
19 and/or longstanding practices or customs are so closely related to the deprivation of
20 Plaintiff Koutantos's rights as to be the moving force that caused her injuries.

21 59. Then-LASD Sheriff Alex Villanueva, a final policymaker for the County
22 of Los Angeles, ratified the actions and omissions of the Deputy Defendants and the
23 other involved Deputies in that he had knowledge of and made a deliberate choice to
24 approve their unlawful acts and omissions. Upon information and belief, the County
25 took no action in response to Plaintiff Koutantos's allegations and none of the involved
26 Deputies has been disciplined.

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28 ///

THIRD CLAIM FOR RELIEF**42 U.S.C. § 1983****Fourth and Fourteenth Amendments: Excessive Force****(By Plaintiff Koutantos Against All Defendants)**

60. Ms. Koutantos realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein.

61. All of the acts of Deputy Defendants DOES 1-10 were done under color of state law.

62. The acts of the Deputy Defendants deprived Plaintiff Koutantos of rights, privileges, and immunities secured by the Constitution of the United States, including but not limited to his rights under the Fourth Amendment of the United States Constitution, incorporated and made applicable to the states and their local governments by the Fourteenth Amendment by, among other things, using excessive force against Plaintiff Koutantos. Specifically, Defendants pointed their guns at Plaintiff Koutantos, which under established Ninth Circuit law is a use of force. Defendants also forced Plaintiff down on her knees in the middle of the street, and applied handcuffs so tightly that Plaintiff's hand went numb and the handcuffs left deep indentations and bruising on her wrists. Ms. Koutantos told the deputies that the handcuffs were too tight and were causing her pain, but the deputies refused to adjust the handcuffs.

63. Each of the Deputy Defendants was both personally involved and an integral participant in the violation of Plaintiff Koutantos's constitutional rights. Each Deputy was aware of the unlawful actions of the other Deputies as they planned to and did point their firearms at Plaintiff, forced Plaintiff to kneel in the middle of the street, and forcefully handcuffed Plaintiff. None of the Deputies objected to these violations of Plaintiff's rights, and each Deputy participated in the violation by performing police functions, including meaningful participation in the unlawful traffic stop, *de facto* arrest, and use of unreasonable force against Plaintiff.

64. As a direct and proximate result of the aforementioned acts of the Deputy

1 Defendants, Plaintiff Koutantos sustained and incurred damages including pain,
2 suffering, and emotional injury.

3 65. In doing the foregoing wrongful acts, Defendants, and each of them, acted
4 in reckless and callous disregard for Plaintiff Koutantos's constitutional rights. The
5 wrongful acts, and each of them, were willful, oppressive, fraudulent, and malicious,
6 thus warranting the award of punitive damages against each individual Deputy
7 Defendant in their individual capacities (but not against the entity Defendant) in an
8 amount adequate to punish the wrongdoers and deter future misconduct.

9 66. The Deputy Defendants and any other involved deputies acted pursuant to
10 expressly adopted official policies or longstanding practices or customs of the County
11 of Los Angeles. These include policies and longstanding practices and/or customs
12 requiring and/or permitting officers to carry out "high risk" stops involving excessive
13 force, including but not limited to utilizing large numbers of police cars and officers,
14 drawing their weapons and pointing firearms at people, forcing people onto their knees,
15 tightly handcuffing them, and detaining them at length, all in situations that are not high
16 risk and based only upon reasonable suspicion of property crimes such as suspected
17 stolen vehicles and without regard to Ninth Circuit law.

18 67. The training policies of the County of Los Angeles were not adequate to
19 train, supervise, and control its Deputies to handle the usual and recurring situations
20 with which they must deal, including but not limited to performing high risk traffic
21 stops of vehicles suspected of being stolen based only upon unconfirmed CLETS data
22 and using excessive force based only upon same. The County of Los Angeles knew
23 that its failure to adequately train its Deputies for such situations made it highly
24 predictable that its Deputies would engage in conduct that would deprive persons such
25 as Plaintiff of his rights. The County of Los Angeles was thus deliberately indifferent
26 to the obvious consequences of its failure to train its Deputies adequately.

27 68. Defendant County of Los Angeles's official policies and/or longstanding
28 practices or customs, including but not limited to its training policies, caused the

1 deprivation of the constitutional rights of Plaintiff Koutantos by Deputy Defendants
 2 DOES 1-10, and the other involved Deputies; that is, the County of Los Angeles's
 3 official policies and/or longstanding practices or customs are so closely related to the
 4 deprivation of Plaintiff's rights as to be the moving force that caused his injuries.

5 69. Then-LASD Sheriff Alex Villanueva, a final policymaker for the County
 6 of Los Angeles, ratified the actions and omissions of the Deputy Defendants and the
 7 other involved deputies in that he had knowledge of and made a deliberate choice to
 8 approve their unlawful acts and omissions. Upon information and belief, the County
 9 took no action in response to Plaintiff Koutantos's allegations and none of the involved
 10 Deputies has been disciplined.

11 **FOURTH CLAIM FOR RELIEF**

12 **42 U.S.C. § 1983**

13 **Fourth and Fourteenth Amendments: Failure to Intervene**

14 **(By Plaintiff Koutantos Against All Defendants)**

15 70. Ms. Koutantos realleges and incorporates by reference each and every
 16 allegation contained in the foregoing paragraphs as though fully set forth herein.

17 71. All of the acts of Deputy Defendants DOES 1-10 were done under color of
 18 state law.

19 72. The acts of the Deputy Defendants deprived Plaintiff Koutantos of rights,
 20 privileges, and immunities secured by the Constitution of the United States, including
 21 but not limited to her rights under the Fourth Amendment of the United States
 22 Constitution, incorporated and made applicable to the states and their local governments
 23 by the Fourteenth Amendment by, among other things, failing to intervene in the
 24 unlawful actions of other Deputies. These unlawful actions include the unreasonable
 25 traffic stop of Plaintiff Koutantos, the unlawful *de facto* arrest of Plaintiff, the unlawful
 26 search of Ms. Koutantos' person and vehicle, and the use of excessive force against
 27 Plaintiff, including Defendants drawing their guns and pointing them at Plaintiff,
 28 forcing Plaintiff onto her knees, applying handcuffs so tightly that Plaintiff's hand went

1 numb and she suffered bruising, and detaining Plaintiff for an extended period of time.

2 73. At all relevant times, the Deputy Defendants were present and had a
3 realistic opportunity to intervene and prevent the unlawful traffic stop, *de facto* arrest,
4 unlawful search, and excessive force by their fellow Deputies against Plaintiff, but
5 neglected to do so.

6 74. As a direct and proximate result of the aforementioned acts and omissions
7 of the Deputy Defendants, Plaintiff sustained and incurred damages including pain,
8 suffering, and emotional injury.

9 75. In doing the foregoing wrongful acts, Defendants, and each of them, acted
10 in reckless and callous disregard for Plaintiff's constitutional rights. The wrongful acts,
11 and each of them, were willful, oppressive, fraudulent, and malicious, thus warranting
12 the award of punitive damages against each individual Deputy Defendant in their
13 individual capacities (but not against the entity Defendant) in an amount adequate to
14 punish the wrongdoers and deter future misconduct.

15 76. The Deputy Defendants and any other involved deputies acted pursuant to
16 expressly adopted official policies or longstanding practices or customs of the County
17 of Los Angeles. These include policies and longstanding practices and/or customs
18 requiring and/or permitting officers to carry out "high risk" stops, including but not
19 limited to utilizing large numbers of police cars and officers, drawing their weapons and
20 pointing firearms at people, forcing people onto their knees, handcuffing them,
21 detaining them at length, searching their persons and vehicles, and failing to intervene
22 in same, all in situations that are not high risk and based only upon reasonable suspicion
23 of property crimes such as suspected stolen vehicles and without regard to Ninth Circuit
24 law. These official policies and longstanding practices and/or customs also include
25 failure to intervene in said activities.

26 77. The training policies of the County of Los Angeles were not adequate to
27 train, supervise, and control its Deputies to handle the usual and recurring situations
28 with which they must deal, including but not limited to failing to intervene to stop

1 unlawful seizures, unlawful searches, and the use of excessive force, including carrying
2 out “high-risk” stops utilizing large numbers of police cars and officers, drawing and
3 pointing firearms at people, forcing people onto their knees, detaining them at length,
4 and searching their persons and vehicles, all in situations that are not high risk and
5 based only upon reasonable suspicion of property crimes such as suspected stolen
6 vehicles and without regard to the Ninth Circuit law. The County of Los Angeles knew
7 that its failure to adequately train its Deputies for such situations made it highly
8 predictable that its Deputies would fail to intervene to stop constitutional violations by
9 their fellow Deputies that deprive persons such as Plaintiff of their rights. The County
10 of Los Angeles was thus deliberately indifferent to the obvious consequences of its
11 failure to train its Deputies adequately.

12 78. Defendant County of Los Angeles’s official policies and/or longstanding
13 practices or customs, including but not limited to its training policies, caused the
14 deprivation of the constitutional rights of Plaintiff by Deputy Defendants DOES 1-10,
15 and the other involved Deputies; that is, the County of Los Angeles’s official policies
16 and/or longstanding practices or customs are so closely related to the deprivation of
17 Plaintiff’s rights as to be the moving force that caused her injuries.

18 79. Then-LASD Sheriff Alex Villanueva, a final policymaker for the County
19 of Los Angeles, ratified the actions and omissions of the Deputy Defendants and the
20 other involved deputies in that he had knowledge of and made a deliberate choice to
21 approve their unlawful acts and omissions, including their failure to intervene to stop
22 the unlawful acts of their fellow deputies. Upon information and belief, the County
23 took no action in response to Plaintiff’s allegations and none of the involved Deputies
24 have been disciplined.

25 **FIFTH CLAIM FOR RELIEF**

26 **BANE ACT, CIVIL CODE § 52.1**

27 **(By Plaintiff Koutantos Against All Defendants)**

28 80. Plaintiff Koutantos realleges and incorporates by reference each and every

1 allegation contained above as though fully set forth herein.

2 81. Article I, § 13 of the California Constitution and the Fourth Amendment to
3 the United States Constitution, incorporated and made applicable to the states and their
4 local governments by the Fourteenth Amendment, guarantee the right of persons to be
5 free from unlawful false arrests, unlawful searches, and excessive force on the part of
6 law enforcement officers. The Deputy Defendants and the other involved deputies, by
7 engaging in the wrongful acts and failures to act alleged herein, intentionally and
8 deliberately denied each of these rights to Plaintiff by threats, intimidation, or coercion,
9 to prevent Plaintiff from exercising her rights to be free of false arrest, unlawful
10 searches, and excessive force, thus giving Plaintiff claims for damages pursuant to
11 California Civil Code § 52.1. Specifically, the Deputy Defendants and other involved
12 Deputies unlawfully (1) stopped Plaintiff based only upon unverified information from
13 CLETS indicating that Plaintiff's vehicle might be stolen, (2) performed a *de facto*
14 arrest of Plaintiff without probable cause, (3) searched Plaintiff's person and vehicle
15 without probable cause or Plaintiff's consent, and (4) used excessive force against
16 Plaintiff, including by pointing their guns at Plaintiff, forcing Plaintiff onto her knees,
17 and handcuffing Plaintiff despite her complaints that her hand became numb and she
18 suffered deep indentations and bruising on her wrists. The Deputy Defendants intended
19 by their actions to deprive Plaintiff of her enjoyment of the interests protected by the
20 right to be free of such conduct.

21 82. As a direct and proximate result of the aforementioned acts and omissions
22 of the Deputy Defendants, Plaintiff sustained and incurred damages including pain,
23 suffering, and emotional injury.

24 83. Each of the Deputy Defendants was both personally involved and aided
25 and abetted in the violation of Plaintiff's constitutional rights. Each Deputy knew that
26 the other Deputies were committing unlawful actions against Plaintiff as they planned
27 to and did unlawfully arrest Plaintiff, search Plaintiff's person and vehicle, use
28 excessive force against Plaintiff, and detain Plaintiff. Each Deputy gave substantial

1 assistance or encouragement to the other Deputies and each Deputy's conduct was a
2 substantial fact in causing harm to Plaintiff.

3 84. Then-LASD Sheriff Alex Villanueva, a final policymaker for the County
4 of Los Angeles, approved and/or ratified the unconstitutional policy guiding the Deputy
5 Defendants' unlawful acts, and approved and/or ratified the actions and omissions of
6 the Deputy Defendants and the other involved deputies in that he had knowledge of and
7 made a deliberate choice to approve their unlawful acts and omissions. Upon
8 information and belief, the County took no action in response to Plaintiff's allegations
9 and none of the involved Deputies has been disciplined. The County of Los Angeles is
10 vicariously liable for its Officers' misconduct.

11 85. In doing the foregoing wrongful acts, Defendants, and each of them, acted
12 with conscious disregard of Plaintiff's rights. Said Defendants' conduct was willful,
13 wanton, malicious, and oppressive, thereby justifying an award of exemplary and
14 punitive damages against each individual Deputy Defendant in their individual
15 capacities (but not against the entity Defendant) to punish the wrongful conduct alleged
16 herein and to deter such conduct in the future.

17 86. As the direct and legal result of Defendants' conduct, Plaintiff suffered and
18 will continue to suffer damages, including but not limited to those set forth above, and
19 is entitled to statutory damages under Cal. Civ. Code § 52, including damages up to
20 three times Plaintiff's actual damages but no less than \$4,000 for every offense of
21 California Civil Code § 51 *et seq.*, as well as compensatory and punitive damages and
22 attorneys' fees.

23 **SIXTH CLAIM FOR RELIEF**

24 **ASSAULT**

25 **(By Plaintiff Koutantos Against All Defendants)**

26 87. Plaintiff Koutantos realleges and incorporates by reference each and every
27 allegation contained above as though fully set forth herein.

28 88. Deputy Defendants drew their weapons and aimed them at Plaintiff's

1 person in a threatening manner.

2 89. Plaintiff reasonably believed that Deputy Defendants would shoot her.

3 90. Plaintiff did not consent to Deputy Defendants' conduct.

4 91. As a direct and proximate result of the aforementioned acts or omissions of
5 Deputy Defendants, Plaintiff has suffered and continues to suffer emotional injury.

6 92. Upon information and belief, each of the Deputy Defendants was either
7 personally involved and/or aided and abetted in the tortious violation of Plaintiff's
8 rights. Each Deputy knew that the other Deputies were committing unlawful actions
9 against Plaintiff as they planned to and did unlawfully aim their weapons at Plaintiff.
10 Each Deputy gave substantial assistance or encouragement to the other Deputies and
11 each Deputy's conduct was a substantial fact in causing harm to Plaintiff.

12 93. The County of Los Angeles is vicariously liable for the actions of the
13 Deputy Defendants.

14 94. In doing the foregoing wrongful acts, Defendants, and each of them, acted
15 with conscious disregard of Plaintiff's rights. Said Defendants' conduct was willful,
16 wanton, malicious, and oppressive, thereby justifying an award of exemplary and
17 punitive damages against each individual Deputy Defendant in their individual
18 capacities (but not against the entity Defendant) to punish the wrongful conduct alleged
19 herein and to deter such conduct in the future.

20 **SEVENTH CLAIM FOR RELIEF**

21 **BATTERY BY PEACE OFFICER**

22 **(By Plaintiff Koutantos Against All Defendants)**

23 95. Plaintiff Koutantos realleges and incorporates by reference each and every
24 allegation contained above as though fully set forth herein.

25 96. Deputy Defendants intentionally touched Plaintiff including forcefully
26 handcuffing her, forcing her onto her knees, and handcuffing Plaintiff so tightly that her
27 hand went numb and she suffered deep indentations and bruising on her wrists.
28 Plaintiff complained that the handcuffs were too tight and were causing her pain, but the

1 deputies refused to adjust them, resulting in Plaintiff suffering further injury.

2 97. Deputy Defendants used unreasonable force while intentionally touching
3 Plaintiff.

4 98. Plaintiff did not consent to the Deputies' uses of force.

5 99. Plaintiff was harmed by the Deputies' uses of force, which has caused her
6 to suffer injuries including pain, suffering, and emotional injuries.

7 100. Each of the Deputy Defendants was either personally involved and/or
8 aided and abetted in the tortious violation of Plaintiff's rights. Each Deputy knew that
9 the other Deputies were committing unlawful actions against Plaintiff as they planned
10 to and did use excessive force against Plaintiff. Each Deputy gave substantial
11 assistance or encouragement to the other Deputies and each Deputy's conduct was a
12 substantial fact in causing harm to Plaintiff.

13 101. As a direct and proximate result of the aforementioned acts and/or
14 omissions of Defendants, Plaintiff sustained pain, suffering, and emotional injury.

15 102. The County of Los Angeles is vicariously liable for the actions of the
16 Deputy Defendants.

17 103. In doing the foregoing wrongful acts, Defendants, and each of them, acted
18 with conscious disregard of Plaintiff's rights. Said Defendants' conduct was willful,
19 wanton, malicious, and oppressive, thereby justifying an award of exemplary and
20 punitive damages against each individual Deputy Defendant in their individual
21 capacities (but not against the entity Defendant) to punish the wrongful conduct alleged
22 herein and to deter such conduct in the future.

23 **EIGHTH CLAIM FOR RELIEF**

24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 **(By Plaintiff Koutantos Against All Defendants)**

26 104. Plaintiff Koutantos realleges and incorporates by reference each and every
27 allegation contained above as though fully set forth herein.

28 105. Deputy Defendants' actions performing a "high-risk" stop of Plaintiff,

1 drawing their guns, pointing their weapons at Plaintiff, forcing Plaintiff onto her knees,
2 violently handcuffing Plaintiff, detaining Plaintiff, and searching her person and
3 vehicle, was outrageous. This conduct was performed with reckless disregard to the
4 effect that these actions and omissions would have upon Plaintiff, including emotional
5 distress.

6 106. As a direct and proximate result of the aforementioned acts or omissions of
7 Deputy Defendants, Plaintiff suffered injuries including pain, suffering, and severe
8 emotional injury.

9 107. The County of Los Angeles is vicariously liable for the actions of the
10 Deputy Defendants.

11 108. In doing the foregoing wrongful acts, Defendants, and each of them, acted
12 with conscious disregard of Plaintiff's rights. Said Defendants' conduct was willful,
13 wanton, malicious, and oppressive, thereby justifying an award of exemplary and
14 punitive damages against each individual Deputy Defendant in their individual
15 capacities (but not against the entity Defendant) to punish the wrongful conduct alleged
16 herein and to deter such conduct in the future.

17 **NINTH CLAIM FOR RELIEF**

18 **NEGLIGENCE**

19 **(By All Plaintiffs Against All Defendants)**

20 109. Plaintiffs Koutantos and Kappos reallege and incorporate by reference
21 each and every allegation contained above as though fully set forth herein.

22 110. The conduct of the Deputy Defendants as set forth herein, was tortious in
23 that Defendants breached their duty of care to Plaintiff Koutantos, an unarmed woman
24 besieged by many Sheriff's Deputies when the Deputy Defendants performed a "high-
25 risk" stop, searched Plaintiff's person and vehicle, used excessive force against Plaintiff
26 including by forcing her onto her knees, pointing guns at her, and violently handcuffing
27 her, and detained her in a police car for a lengthy and unreasonably prolonged period of
28 time. As a direct and proximate cause of Defendants' conduct as alleged herein,

1 Plaintiff Koutantos sustained and incurred physical and emotional damages.

2 111. Plaintiff Kappos, who is Plaintiff Koutantos's mother, was present during
3 the incident, and saw the Defendant Deputies use high-risk tactics against her daughter
4 including pointing guns at her, forcing her onto the ground, and handcuffing her, and
5 detaining her for a prolonged period of time. Plaintiff Kappos was aware during the
6 incident that the Deputies' negligent actions were causing her daughter to suffer injury.
7 As a direct and proximate cause of Defendants' conduct as alleged herein, Plaintiff
8 Kappos sustained and incurred serious emotional distress including panic attacks
9 following the incident requiring her to seek care at a hospital emergency department, in
10 addition to suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock,
11 humiliation, and shame of such severity that an ordinary, reasonable person would have
12 been unable to cope with it. Defendants' conduct was a substantial factor causing
13 Plaintiff Kappos's serious emotional distress.

14 112. The County failed to appropriately hire, supervise, train, review, and
15 ensure that their Deputies abided by the standard of care, failed to enact appropriate
16 standards and procedures that would have prevented such harms to Plaintiffs Koutantos
17 and Kappos, including failing to train LASD Deputies (1) not to use high-risk traffic
18 stops based only on suspicion of a stolen vehicle arising from unverified CLETS data,
19 and (2) not to use excessive force or perform *de facto arrests* or vehicular searches in
20 situations where such actions are not justified.

21 113. Each of the Deputy Defendants was either personally involved and/or
22 aided and abetted in the breach of a duty to care toward Plaintiffs. Each Deputy knew
23 that the other Deputies were committing unlawful actions against Plaintiffs as they
24 planned to and did unlawfully arrest Plaintiff Koutantos, search her person and vehicle,
25 use excessive force against Plaintiff Koutantos, and detain Plaintiff Koutantos in a
26 police car with knowledge that Plaintiff Koutantos's mother, Plaintiff Kappos, was
27 witnessing the incident and suffering serious emotional distress. Each Deputy gave
28 substantial assistance or encouragement to the other Deputy and each Deputy's conduct

1 was a substantial fact in causing harm to Plaintiffs.

2 114. As a direct and proximate result of Defendants' conduct as alleged herein,
3 Plaintiff Koutantos sustained and incurred physical and emotional damages and
4 Plaintiff Kappos sustained and incurred serious emotional distress.

5 115. The County of Los Angeles is vicariously liable for the actions of the
6 Deputy Defendants.

7 116. In doing the foregoing wrongful acts, the Deputy Defendants, and each of
8 them, acted with conscious disregard of Plaintiffs' rights. Said Defendants' conduct
9 was willful, wanton, malicious, and oppressive, thereby justifying an award of
10 exemplary and punitive damages against each individual Deputy Defendant in their
11 individual capacities (but not against the entity Defendant) to punish the wrongful
12 conduct alleged herein and to deter such conduct in the future.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs pray for the following relief:

- 15 1. For compensatory, general and special damages against each Defendant,
16 jointly and severally, amounts to be proven at trial;
- 17 2. For punitive and exemplary damages against individually named Deputy
18 Defendants DOES 1-10 in their individual capacities and in an amount appropriate to
19 punish Defendants and deter others from engaging in similar misconduct;
- 20 3. Prejudgment and post-judgment interest;
- 21 4. For costs and suits and reasonable attorneys' fees and costs as authorized
22 by statute or law;
- 23 5. For restitution as the Court deems just and proper;
- 24 6. For injunctive and declaratory relief; and
- 25 7. For such other relief as the Court may deem proper.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury in this action.

Dated: October 12, 2023

Respectfully Submitted,

HADSELL STORMER RENICK & DAI LLP

By: /s/ Brian Olney
Dan Stormer
Brian Olney
Attorneys for Plaintiffs